

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)

Description of the case

Writ Petition No. 289 of 2004 (S/B)

Date of decision: 21st September, 2004.

For the approval of:

Hon'ble Mr. Justice V.S. Sirpurkar

Hon'ble Mr. Justice Irshad Hussain

- Whether the order/judgment should be sent to the
reporters for reporting? (✓)
- Whether the reporters be allowed to see the
Judgment? (Yes)

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IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 289 of 2004 (S/B)

Pradeep Kumar Joshi,
S/o Leeladhar Joshi,
R/o House No. 144, Avas Vikas Colony,
Bhotia Parau, Haldwani,
District Nainital. Petitioners.

Versus

State of Uttaranchal,
Through its Secretary,
Karmic & another. Respondents.

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Sri N.C. Gupta, Advocate, learned counsel for the petitioner.
Mr. D.C. Pant, leaned counsel for the respondents.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Ashish Joshi, learned counsel for the petitioner and Mr. B.D. Kandpal, leaned counsel for the respondent No. 2.

2. By this writ petition, the petition wants to know his marks scored in the interview, in which he appeared for the post of Junior Engineer. He was not selected by the Public Service Commission on the basis of his performance.

3. We do not agree. Mr. B.D. Kandpal says, and in our opinion rightly, that there are no rules providing for giving the marks scored by the candidates in the interview on the examination. This contention is supported by the latest decision of the Apex Court reported in JT 2004 (6) SC 380 in the case of Pramod Kumar Srivastava Vs. Chairman, Bihar Public Service Commission, Patna & others, which upholds the principle that the petitioner cannot claim, against any Public Service Commission, any right, which is not supported by the rules. In that case, it was a right of re-evaluation. If

there was no rule supporting the petitioner for knowing the marks in the interview that should be the end of the matter.

4. The writ petition has no merits and it is accordingly dismissed.

(Irshad Hussain, J.)
21.09.2004

(V.S. Sripurkar, C.J.)
21.09.2009

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